रजिस्ट्री सं० डी० 221 Registered No.D.221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खंड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

No. 16] NEW DELHI, WEDNESDAY, APRIL 1, 1970 CHAITRA 11, 1892
सं० 16] नई दिल्ली, बुधवार, अप्रैल 1, 1970/चैत्र 11, 1892

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

BILL No. VIII OF 1970

A Bill to confer on the President the power of the Legislature of the State of West Bengal to make laws.

BE it enacted by Parliament in the Twenty-first year of the Republic of India as follows:—

Short title.

1. This Act may be called the West Bengal State Legislature (Delegation of Powers) Act, 1970.

Definition.

2. In this Act, "Proclamation" means the Proclamation issued on the 19th day of March, 1970, under article 356 of the Constitution, by the President, and published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 490 of the said date.

Conferment on the President of the power of the State Legislature to make laws.

3. (*1*) The power of the Legislature of the State of West Bengal to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.

(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact, as a President's Act, a Bill containing such provisions as he considers necessary:

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a Committee constituted for the purpose, consisting of forty members of the House of the People nominated by the Speaker and twenty members of the Council of States nominated by the Chairman.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution, passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

STATEMENT OF OBJECTS AND REASONS

Under the Proclamation of the President dated the 19th March, 1970, the powers of the Legislature of the State of West Bengal are now exercisable by under the authority of Parliament. Such legislative measures as may be necessary for the State can be taken up by Parliament only by postponing its business; and even then, it is likely that Parliament may not have time to deal with all legislative measures for the State. It is, therefore, proposed that Parliament should, in accordance with the provisions of sub-clause (*a*) of clause (1) of article 357 of the Constitution, confer by law on the President the powers of the Legislature of the State of West Bengal to make laws for the State. The present Bill is intended to give effect to this proposal.

NEW DELHI; VIDYA CHARAN SHUKLA.

The 22nd March, 1970.

FINANCIAL MEMORANDUM

The proviso to sub-clause (2) of clause 3 of the Bill provides for the constitution of a Committee for consultation regarding President's Acts, consisting of 40 members of the House of the People and 20 members of the Council of States, and expenses to be incurred in connection with the meetings of this Committee would be met from the Consolidated Fund of India. This Committee will meet as and when necessary. The expenditure is not expected to be large and is not likely to exceed **Rs. 1,02,000 during the period in which the Proclamation will be in force.**

MEMORANDUM REGARDING DELEGATED LEGISLATION

The power of the Legislature of the State of West Begal to make laws which has been declared by the Proclamation issued under article 356 of the Constitution in respect of that State on the 19th day of March, 1970, to be exercisable by or under the authority of Parliament, is sought to be conferred on the President under article 357(1) (*a*) of the Constitution. Before exercising the aforesaid power the President is required, whenever he considers it practicable to do so, to consult a Committee of Members of Parliament constituted for the purpose in accordance with the provisions of the proviso to sub-clause (*2*) of clause 3. Any Act enacted by the President in exercise of the aforesaid power is required to be laid before each House of Parliament and Parliament may direct modifications to be made in the Act [*vide* sub-clauses (*3*) and (*4*) of clause 3]. The delegation of legislative power is in pursuance of the express provision in this behalf in article 357(1) (*a*) of the Constitution and is necessary as it will not be easy for Parliament to find time to deal with the various legislative measures that may be required in respect of the State of West Bengal.

B. N. BANERJEE,

Secretary.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI. 1970